AQUIDABAN LEAVES RIO.

TO MEET PEIXOTO'S WARSHIPS.

ADMIRAL MELLO'S FLAGSHIP DAMAGED BY THE HARBOR FORTS.

HER EFFECTIVE FIRE IN REPLY, WHILE STEAM-ING OUT OF THE PORT-AN ARMED MER-CHANTMAN HER CONSORT-BELIEVED

TO BE SEEKING THE NICTHE-

London, Dec. 1 .- A dispatch to the Exchange Telegraph Company from Rio Janeiro says that the insurgent Admiral Mello has finally succeeded in forcing a passage past the forts guarding the entrance of the bay of Rio Janeiro, and that his flagship the Aquidaban is now the high seas. The passage was not effected some desperate fighting had been The entrance is guarded by Fort Sao Joao and a water battery on the strip of land

extending northeast from the Sugar Loaf, Fort

Lage, Fort Santa Cruz and Fort Pico. Advices from another source say that when the Aquidaban was seen approaching the forts a heavy fire was directed against her. She replied briskly, and the fight was kept up until e had run past the forts and was out of range. It was seen that some of the shots from the forts took effect, and it is believed that the Aquidaban sustained considerable damage. The Government forces, particularly the troops manning the water battery, suffered severely from the effects of the rapid-fire guns on board the warship. Much damage is said to have been done to the forts by the big guns of the Aquidaban, which appear to have been well served. The Government forces generally suffered severely.

After the Aquidaban was out of range she stood away for the south. It is conjectured at Rio Janeiro that she will effect repairs as rapidly as possible at sea, and cruise in the vicinity of Cape St. Roque to intercept the Nictheroy and the America, the improvised warships new on their way from New-York to reinforce

theroy and the America, the improvised warships now on their way from New-York to reinforce President Peixoto.

The Aquidaban was accompanied by an armed merchantman. The British commander sent the British warship Beagle after them to ascertain the course which they took.

MELLO SAILS SOUTHWARD.

THE NEWS CONFIRMED AT WASHINGTON.

DISPATCHES RECEIVED FROM MINISTER THOMP-

SON AND CAPTAIN PICKING-THE BRAZIL-IAN MINISTER NOT ALARMED. Washington, Dec. 1.-News of the escape of Ad-

miral Mello reached Washington to-day in the shape of a gable dispatch from Minister Thompson, at Rio, as follows: "Admiral Mello left the bay this orning on the Aquidaban, going south."
Probably the high tariff on cable messages from

Brazil caused the Minister to confine his news to this meagre statement, so the officials here are in ignorance of the reasons for the rebel admiral's departure and the strength of the naval force he left behind him. It is surmised, however, that he has taken his flagship toward Desterro to join forces with the revolutionists in that neighborhood, leaving the partial siege of Rio to be prosecuted by the vessels remaining in that port. A supposition has been entertained here that the admiral when he left Rio would steam north with the intention of meeting the Nictheroy. It was thought probable in that case that the light, unarmored cruiser would fall an easy to the ironciad with her heavy rifled guns. But the fact that Mello has gone south gives color the story that his vessel is in bad condition and unfit to cope with the fleet cruiser. It is probable long exposure to the tropical waters of Rio Bay that the commander has found it absolutely necessary to go to some safe place, where her bottom

Meanwhile the further movements of the Aquidaban are the object of great solicitude in official circles here, and it is expected that when she next appears in port the nearest United States Ciplomatic

cable message from Captain Picking, in command of the United States vessels at Rio, confirming the message sent earlier by Minister Thompson announcing the departure from the harbor of the in-surgent admiral. The text of the dispatch was not given out, but it is understood that it contained nothing unusual ceneering the condition of affairs at the capital of the Brazilian Republic. The Denothing unusual ceneering the condition of affairs at the capital of the Brazilian Republic. The Department was not, however, advised of the departure of a British warship on the heels of the Aquidaban, nor has it issued any instructions to Captain Picking concerning his duties in the matter. Captain Picking is an officer in whom the Secretary of the Navy has the atmost confidence, and he will be left to look after American interests as seems to him best. If he considers it necessary, he may send one of his vessels after the rebel admiral, but he has not been ordered to do so.

Although the method of the departure of Mello from the harbor of Rio is a matter of conjecture in the absence of authoute news, naval efficers do not think that it was necessarily attended with hard fighting. The two loyal forts at the mouth of the bay of Rio, which is at that point a mile wide, are on each side of the channel. Navai officers say it would not be difficult for a vessel to steam past these forts without minry, the chance that she would be seriously crippled by a shot from the forts being small. The departure of the Aquidaban has not been looked for by officers who have been students of the situation.

If Admiral Mello has succeeded in escaping, the

would be serious. The departure of the Aquidaban has not been looked for by officers who have been students of the situation.

If Admiral Mello has succeeded in escaping, the fact is not known at the Brazilian Legation here. Minister Mendonca usually receives several dispatches daily from the Brazilian Foreign Office, but none came to-day. He thinks so important a piece of news as Alcilo's escape would certainly aloee of news as Alcilo's escape would certainly have been communicated to him. As he has heard nothing, he doubts the c.m. these of the report. Senhor Mendonca believe: 'f Mello did get out of the harbor it was in his flagship Aquidaban. The Aquidaban is a powerful fronciad of 4500 tons displacement and carries 8-inch and ib-inch rifles. She is in a more or less disabled condition, and she must, in the Minister's opinion, have taken a great risk in passing the two forts which guard the entrance to the harbor.

Minister Mendonca is not alarmed for the safety of the two steamers America and Nictheroy, which are now on the way from New-York to aid the Peixoto Government. Both vessels, the Minister says, could easily run away from the Aquidaban, which is a slow ship. He thinks that the rebel flagship, if she really is on the ocean, will probably put in at some of the large cities on the coast, where the friends of the insurgants may furnish food and suppplies to the crew. He does not believe that the rebel admiral will bombard these cities, as he would gain nothing by such a course and only arouse the emitty of the inhabitants.

Senhor Mendonca was asked, what he thought of Admiral Stanton's statement that the Brazilians were not a fighting people. He repiled that he had nothing to say on the subject, but added that a good many Brazilians had died in the service of their country, a fact which spoke for itself.

Washington, Dec. 1.-Admiral Stanton, late in command of the United States squadron in Brazilian waters, has made known his return to the Navy Department, Considering the rather peculiar status of the Admiral, who was relieved from his com-mand because of his recognition of Mello, the re-bellious Brazilian naval commander, it might be posed that he would avail himself of the oppor-nity afforded by his communication to say some-

w-York, United States agent of the Brazilian vernment, was in this city on Wednesday for

RUMORED ASSASSINATION OF PEIXOTO. THE BRITISH GOVERNMENT HAS HEARD NOTH-

ING OF IT. London, Dec. 1.-In the House of Commons this President Peixoto, of Brazil, had been assassinated, and asked if the Government had any such infor mation. Sir Edward Grey, Parliamentary Secretary of the Foreign Office, replied that the Government had received no word concerning any attempt upon Peixoto's life.

THE DESTROYER TO HAVE ANOTHER TRIAL The Destroyer will go out for another trial trip the thick weather prevented. The Santuit, which to Brazil, formerly belonged to the Atlas Line, and Yarrow torpedo boat will be taken down on the deck of the Santuit. Charles R. Flint had not returned from Providence yesterday afternoon, but was expected back later in the day. The report that President Pelxoto had been assassimated was received with incredulity in this city yesterday. Cable dispatches from Rio de Janeiro made no mention of any such occurrence.

CAUGHT ON A TRESTLE AND KILLED.

GIVING PARTY OF THIRTEEN.

returning from a Thanksgiving party were caught by an electric street-car on a trestie one mile east curve forty feet away, coming down a steep grad-All those on the trestle jumped to the ground with the exception of Mrs. Milton Harsha, who was knocked down and her head cruched. She was instantly killed. Her husband was walking behind her carrying a two-months-old child. He jumped with the baby, which oscaped unharmed. Harsha received a bad cut on the head, and is suffering from concussion of the brain. Laura Martin was struck while jumping from the trestle, and thrown twenty feet. Her head was badly cut, and the hjurles are serious. Her sister Della jumped and received internal hjuries which may prove fatal. Aaron Moore sustained cuts about the face by jumping against the trestle timbers. Charles Karcher had his hip dislocated, ankle sprained, and was cut about the face. James Cunningham received slight internal sujuries. The other members of the party escaped with severe bruises. Two young women jumped eighten feet and escaped unhurt. The rails were slippery, and the motorman says he was unable to stop the car. Mr. and Mrs. Harsha had been married lifteen months. She was not yet twenty years old.

ANOTHER COUGHLIN JUROR ACCUSED.

ONE OF THE PROSECUTORS SAID TO HAVE BEEN OFFERED \$10,000 TO WITHDRAW.

Chicago, Dec. 1.-Another delay is to be placed to the discredit of the Coughlin case. When the prisoner was brought into court this morning application was made on behalf of the State for th appointment of three special bailiffs to summon a venire to fill the vacancies caused on the jury acceded to, and the ten members of the jury then returned to their quarters at the Revers Hous until to-morrow morning. After the jurors had asked the attention of the court and made a state ment to the effect that Frank C. Ream, one of the accepted Jurors, had not answered truly to the From the stenographer's transcript it was shown that Ream had stated that he was in Toledo at ports printed in the newspapers of that city. to proof that Ream was in this city at the tim referred to, and he made a formal motion that he be dismissed from the panel of jurors. The request was taken under advisement by the

It was whispered about the court that one of men prominent in the prosecution was offer \$10,000 last Wednesday if he would consent to conduct the case that Congalin would be acquired the nearrous proposition is said to have been may be a man holding a responsible position in the employ of the city. When the proper time comes full exposure of this attempt at bribery will made. It is probable that before long a polyofficer, whose name is known, but is withheld the request of the prosecution, will be taken in custody charged with having participated in a murder of Dr. Cronin, He is said to have be the man who closed the door of the Carlson of tage behind the unfortunate physician.

TELEGRAPHIC NOTES.

Binghamton, N. Y. Dec. 1.—Jesse T. Peck, age twenty-three, a nephew of Rufus T. Peck, of Cort land, was instantly killed by the overturning of his carriage at Solon, Cortland County, Wednes day night. His neck was broken in two places.

Gloucester, Mass., Dec. 1.—The achooner Grac Webster, of Portland, Me., New-York, for Boston coal-laden, went asnore last right inside of East ern Point. Several unsuccessful attempts have been made to haul her off.

Helena. Mont., Dec. 1.—Miles Alfred Tilton, cowboy, shot and killed Jim Pym, an ex-soldler then a restaurant cook, who wore a medial of hono voted him by Congress for bravery in action of Custer's famous fight on the Little Big Horn, in 1876. Pym struck Tilton and was then shot. Tilton escaped.

Denver, Col., Dec. 1.—The new townsite at the gold discoveries near Hartsel Station has been named Bailour, in honor of the English champion of bimetallism. The townsite company is capitalized at \$190,000. A board of directors was elected yesterday. The townsite is the only patented land within males of the gold fields.

New-London. Conn., Dec. L.—The trial of the new cruiser Marbiehead will take place here Tuesday next. The Marbiehead is now at New-York, whence she will sail for New-London Saturday. The course for the test is the same as that on which the Detroit, Castine and Machias demonstrated their speed.

Denison, Tex., Dec. 1.—"Dick"Edward, who on the night of May 17, 1892, in this city, killed Mrs. Hattle Haynes, Lena Hawley, Maude Kreamer and Rose Stewart, was to-day sentenced to ninety-nine years in the penitentiary. He was tried and convicted only on the charge of killing Mrs. Hattle Haynes, the evidence being purely circumstantial.

READY FOR PRENDERGAST'S TRIAL

Chicago, Dec. 1.—Patrick Eugend Joseph Prendergast's case was to-day placed on Judge Brentano's call for next Monday. Both sides are ready, and the the late Mayor Harrison will begin promptly at 10 o'clock Monday morning. It is expected that ten days or two weeks will be consumed in se-curing the jury. The evidence, which will consist largely in expert testimony as to Prenderast's mental condition, will be submitted in a week's time, it is thought.

INSPECTING THE CENTRAL'S EXHIBIT.

Watertown, N. Y., Dec. 1.-Five thousand reople was Governor Flower, Crown and Incometives, which were shown here on their way from the World's Fair to New-York City. There we'se hundreds of people in line waiting patiently near the entrance to each of the trains all day in order to pass through and inspect them. The trains left here to-night for Utica.

HU WANTS WITNESSES OF THE " ASSAULT."

and he advertised yesterday for witnesses to wha he called an "assault" in the Broadway Centra Hotel on Thanksgiving Day. At the hotel yester dotel on Thankskiving they at the hotel yester-day, it was said that the irate man was slumber ling in the reading-room on Thursday morning, and when aroused by the head porter, became abusive. Then he was put out. The managers of the hotel said they were resolved that none but their guests should occupy the reading and writing-rooms, and the turning out of the sleeper was only the first fruits of their decision to sject all loungers. ONE ROUTE ADOPTED.

RAPID TRANSIT COMMISSIONERS AGREE ON A WEST-SIDE LINE.

IT WILL BE A YEAR BEFORE THE FRANCHISE CAN BE OFFERED FOR SALE AND THE UNDERGROUND PLAN IS NOT SHUT

which means to impress its good intentions on vealing in his troubled countenance evidence

Mr. Steinway, Mr. Imman, Mr. Eushe and Mr. | 600. Porter. For an hour or a little more the Board was in secret session. Meanwhile an expectant and anxious crowd waited in the audience room.

came Mr. Steinway, in the guiding hands of attendants, and when he had been carefully seated he called the public meeting of the Commission to order, and Mr. Bushe read the follow-

Resolved. That this board hereby approves of a dan for an elevated railway to be offered at public alle and located upon the following streets and

d. That the general plan of construction st. Wooster-st. University Place and that, shall be with two tracks upon the

Hattery Place and along West-st., West
st., Seventh-ave., Broadway and the
to One-hundred-and-thrity-dith-st. the
a and structures for such railway shall
s to admit of the laying of four tracks on
level when necessary, and not less than

apid Transit act of January 31, 1891, and the

TIME REQUIRED FOR OBTAINING CONSENTS. When the resolution had been read Mr. In-

it could be done in less than one year. Mr. Steinway said that of course the consent

Mr. Steinway said that of course the consent or refusal of property-owners must be obtained. Where there were refusals the cases must go to court, and that would involve time. He said that if there was opposition it might take a year in order to get the plan into operation toward completion. The chairman of the commission indicated, by some of his remarks, impatience over the methods advanced for the procurement of the franchise. He said that if to-day, or at any time, responsible capitalists themselves, and not represented by agents or if to-day, or at any time, responsible contains is themselves, and not represented by agents or brokers, should come forward and give to the commission an earnest of their purposes, the franchise for the underground system could be offered upon good and easy terms. Mr. Stein-way did not hesitate to say that the commis-sion was practically in favor of the underground route.

route.

A vote was taken on the resolutions, and they were unanimously adopted. Mr. Inman pressed the question as to how soon, in the judgment of the chairman, the franchise could be offered for sale, and when assured that all could be accomplished within a year, the unanimous vote was recorded.

The result seemed to please Lawson N. Fuller, the action of the board was fully understood,

the action of the board was fully understood, if it was fully understood. The resolution effecting this result was the one next to the last, reserving the right to construct and operate the underground or any other railroad on the route adopted.

This resolution, possessing such a fountain of hope for all promoters of the several systems taked about, caused a prevalence of extraordinary good-nature, and the best and blandest and most hopeful evidence of the blessedness of perfect results achieved existed in the fact that Lawson N. Fuller was pleased.

The next regular meeting of the commission will be held on Tuesday, December 5. It is expected that then the commission will offer a scheme for the development of rapid transit facilities on the East Side.

Jury has added an ex-Congressman and capitalist, R. B. F. Pierce, to the list of those indicted for dent. The charge against him is swearing as trus-tee to false affidavits in statements of the condito false altidavits in statements of the condiof the bank. The indictment is based on the
that he as president of the National Headthat he as president of the National Headthat he as more than the legal limit of loans to
one individual. Piecre is a trustee of the Inappoils. Decathr and Springfield Railroad, was
nerly its president, and is regarded as a stread
successful speculator. His term in Congress
as Representative of the VIIIth (Terre Haute)
trict.

308 East Tairty-fourth-st. was taken to Bellevue Hospital Thursday night, suffering from insanity. Mrs. McGowan was formerly a laundress and had been viziting a family named Jeroleman, on the hird floor of No. 508 East Thirty-fourth-st. Mrs. hird floor of No. 20 E.18: Phirty-fourthest. Mr. Jeroleman went out for some beer and during her besones Nrs. Mctlowan fell out of the window to the flagging below. She was not hurt at all. She waited upstairs again and told the policeman who made his appearance that all the white people were after her.

Denver, Col., Dec. 1 .- General McCook to-day reelved a dispatch from Lleutenant Brown, comDOWNFALL OF A BIG HOUSE

ABE, STEIN & CO., IMPORTERS OF HIDES, IN A RECEIVER'S HANDS.

ONE OF THE LARGEST FIRMS IN ITS LINE IN THE WORLD DRAGGED DOWN BY THE SUS-

PENSION OF A LONDON HOUSE-LIA-

through which the New-York firm did its busiand also that drafts for a large amount had to protest. The liabilities of Abe, Stein & Co. are placed at \$1,000,000, with large assets many foreign countries, and the effect of

David Wile, of the H. B. Claffin Company, has been appointed by Judge Bookstaver, of firm. He was required to give a bond of \$50,-The proceedings were brought by W. II. Hildreth, a member of the firm, for a dissolu

The firm is a special copartnership, posed of Abe. Stein and William H. Hildreth, teneral partners; Isaac P. T. Edmands, of Boston, and Edwin S. Barrett, of Concord, special partners for \$50,000 each. The latter two are in & Barrett, wholesale dealers in foreign skins.

was subsequently increased, until it is now renewed for two years. Bradstreet's shaded the firm's credit rating one degree.

In January last the firm's statement showed 000. Of the liabilities, \$519,000 were bills payable and open accounts. The assets consisted principally of merchandise and bills and accounts receivable. The business of the firm during the late money stringency was somewhat contracted, the house was able to meet all its obliga-

HEAVY LOSSES BY OTHER FAILURES In the application for the receiver it was stated that the firm was insolvent, that the concern had sustained heavy losses by failures-\$35,000 by John J. McConnell and \$30,000 by Charles Illingsworth, both of Philadelphia—that bankers had curtailed credits and that drafts to the amount of \$60,000 had matured in London and could not be paid. It was also said that the firm had been compelled to sustain a number of other firms by indersing their commercial paper to be discounted by the banks. It was further said that Abe. Stein had telegraphed from England that a large number of drafts held by parties who have discounted them, drawn by the firm and its branches on Jacob Stein & Co., of London, had matured and could not be paid.

The firm occupies a large building at No. 97

and matured and could not be paid.

The firm occupies a large building at No. 97 Gold-st. A large number of cierks were at work there all day yesterday. The cierks said that none of the partners were in town, Mr. Hildreth

which was entirely unexpected, and which was

Drafts which had matured on London, of upward of \$100,000, and for which the New-York firm had made provision by transfer of funds, were allowed to go to protest on Thursday, and this had forced the New-York firm to apply to the court for a receiver in order to protect its creditors, the partnership being a special one. Had it not been for the sudden failure of Jacob Stein & Co., which is entirely inexplicable to the attorneys, the firm here would probably have been able to go on. The stagnation in business had resulted in the firm having to carry a large amount of merchantise, which had helped to complicate affairs. Not thestanding this, and losses by failures and depreciation, the firm did not have to ask a single extension in the late financial distress, which is removed the partnership bears are depreciation, the firm did not have to ask a single extension in the late financial distress, which is have been able to go on. The stagnation in business had resulted in the firm having to carry a large amount of merchantise, which had belped to complicate affairs. No ithistanding this, and losses by failurest and depredation, the firm did not have to ask a single extension in the late financial distress, which is saying a great deal when the large amount of business the firm transacted is considered.

Horwitz & itershiled further said that the firm did a business of over \$1,00,000 annually. There are branches all over the world, in England, Germany, Russia, Arabia, Asia, Australia, China and South America. The liabilities are about \$1,000,000 in round numbers, the greater part of which is due to banks and bankers in Europe. It is impossible at present to give an estimate of the assets, but it is known that they are large. The entire property of the firm has gone into the hands of the receiver without preferences. Mr. Stein went to Europe about three months ago in the regular course of business, as he does every year, and he would leave London at once to return here to take personal charge of the adjustment of the firm's affairs. The attorneys thought that in all probability the firm would be able to adjust its affairs and go on in business.

The news of the receivership caused great surprise in trade circles and among the banks and bankers who had business relations with the firm.

THE BOSTON FIRM OF EDMANDS & BARRETT MARIES AN ASSIGNMENT.

part of the leather firm of Edmands & Barrett, of High and Congress sta., to carry a badly shattered firm seems to have been the cause of their going to the wall yesterday. The assignment was made known upon the street late yesterday afternoon, and created a great deal of surprise. The failure is the direct result of Stein & Co., but it is impossible to obtain even an estimate of the debts or assets of Edmands & Barrett. The assignees named by the latter house and Costello C. Converse, of No. 348 Commonwealth-ave. Both of the assignces were seen to-night, but refused absolutely to make an that they knew nothing of the business of the firm and were not even creditors.

Edmands & Barrett carried on an extensive trade in Boston in goatskins and leather. The firm was always recognized as a conserva About two years ago the two members became special partners of Stein & Co., New-York, and put in \$100,000. The New-York house was then making money rapidly, and continued to do so the first six months of this year the profit accruing to the Beston members of the firm amounted to more than \$100,000. They did not draw this sum out. At the time of the panic during the last summer Stein & C., were heavily burdened with goatskins. It is stated on good

crder to do so were compelled to appeal to Edmands & Barrett to indorse the firm's paper. This they did to a heavy extent. They did not, however, doubt the solidity of Stein & Co. It is said that as late as last Wednesday William Hildreth, the leading spirit of the concern, assured Mr. Edmands that the firm was in no danger whatever. Mr. Edmands was fully set at ease by the assurances, despite the rumors which had been heard as to the condition of Stein & Co. Yesterday Mr. Edmands received a cable dispatch from Abe. Stein, who is in London, announcing that drafts to the amount of 1,000 had been protested there. This was what precipitated the failure, and there was nothing for Edmands & Barrett to do but to go with them.

one of the substantial business men of Boston. It was said that he was worth \$350,000 three years ago. He is a director in the Lincoln and

years ago. He is a director in the Lincoln and Bunker Hill National banks, and lives in a handsome house at No. 328 Commonwealthave. Mr. Barrett lives at Concord.

Both the Lincoln and Bunker Hill banks hold paper of Edmands & Barrett, but it is for a small amount, and is fully covered, except in two or three instances, by collateral. Neither bank will lose anything by the failure. Few Boston firms had dealings with Abe. Stein & Co.

STORY OF THE LOST HUNTERS.

THE CARLIN PARTY REACH CIVILIZATION

NARRATIVE OF THEIR PERILOUS JOURNEY FROM

Kendrick, Idaho, Dec. 1.-The Carlin party, who ere supposed to have been lost in Bitter Idaho, and whose rescue excited so much interest during the last few weeks, arrived the cook, who fell sick and was left to die in the

melwright, secretary of the Columbia Grant Comlowing account of the party's experience: "The party was organized last summer and started from Spokane, Wash., where they engaged Martin Spencer as guide and George Colgate as cook. They proceeded by train to Kendrick, Idaho, and with ten cayuses and five weeks' provision

Brown's Creek, Musselshell Creek, and thence via the Lolo trail to what are known as the Indian stoffices, fifty-five miles from Musselshell Creek At this point the trail branched out from the Lolo rail, and led to Warm Springs, on Clearwater River, the destination of the party, which was "Although it rained steadily for thirteen days,

which interfered considerably with the pleasure of hunting, the party met with great success, and on October 10 started on the return trip over the Lolo trail. After reaching the top of the first ridge, parallel to the Clearwater River, two and a half feet of snow was found and the guide esti-mated that the snow would be four feet higher on portions of the Lolo trail. Should the horses sick and unable to walk, his position in that case trail and in securing meat for the proposed trip

an impossibility.

From January 1, 1888, until August 16 of that year day A trapper, "Ben' Keeley, was narged to accompany the party. "Ith the supply of provisions equally divided on the rafts so as to f provisions equally divided on the rafts so as to in case either of the rafts was lost, the party emerked and began their journey down the river on knowaber 3. Two upsets and the delay caused by the necessity of examining the river in advance of the rafts was lost, the party emerked and began their journey down the river on knowaber 3. Two upsets and the delay caused by the necessity of examining the river in advance of the rafts made progress slow, and by November 3 only twenty-two miles had been accomplished. In 1892 new legislation on the subject allowed this point the river was found to be full of At this point the river was found to be full of Porther examination resulted in the discovery of Porther examination resulted in the discovery of Porther examination resulted in the river, which was set aside by Justice Pratt, is confirmed by yesterday's decision.

THE COMMISSIONERS SUSTAINED.

HURT IN A COLLISION IN CENTRAL PARK.

A RECKLESS DRIVER CAUSES SERIOUS INJURIES WAGON IN TRYING TO ESCAPE.

Careless driving in Central Park on Thanksgiving day led to a collision whereby an elderly woman, Mrs. Cronin, of No. 570 Lexington-ave., who was out of the East Drive, near Fifty-ninth-st., they were run into by Patrick Cook, thirty-four years old, of Fifty-fifth-st. and Seventh-ave.. who

was driving a team of horses attached to a victoria.

The force of the collision demolished the light wason and threw both occupants to the road. Mr. Cronin escaped with slight bruisses, but his mother was so badly shaken that she became insensible, and was taken in that condition to her home. Cook also drove into a second light wagon, and demolished that in his endeavor to escape arrest. He was then caught by Park Officer Donnelly, and yesterday Justice Burke, at the Yorkville Police Court, committed him without ball to await the result of Mrs. Cronin's hijuries. driving a team of horses attached to a vic-

Boston, Dec. 1.-Frederick Quinn, seventeen years old, is said by physicians to be lying at the point of death from injuries received in collision with another player in a football game at Frankin Park yesterday.

Baltimore, Dec. 1.-The British steamship Coya, ports being in collision on Nevember 12 with a Brarough and the darkness almost impenetrable. Suddenly there was a crash, and the Coya's lifeboat was lowered in time to save four of the crew belionging to the other vessel. One man could not be reached. It is not known what the name of the marken schooner was, nor if more than one life was lost. The rescued men could not make themselves anderstood. They left the Coya in a boat the next morning for Parahiba.

KANS TOTAL OF IN DANGER OF FREEZING. Topolia, Ran., Dec. t.—The cold wave of yesterday authority that there was \$1,000,000 worth of this class of goods in the firm's warehouses in New-York. They could not be disposed of at any price, consequently the firm got into a tight place because of the lack of ready money, and then reverses set in. They were forced to borrow large sums of money, and in

JUSTICE PRATT REBUKED.

PRICE THREE CENTS.

A VICTORY FOR BROOKLYN.

THE REPORT OF THE WATER SUPPLY COM-PANT COMMISSION SUSTAINED.

JUSTICE BARNARD, IN GENERAL TERM, OVER AWARD-OVER \$1,000,000 SECURED TO THE CITY-THE SUPPLY COMPANY . . .

NOT EXPECTED TO APPEAL.

An important decision, handed down yesterday by the Supreme Court, General Term, the Second Judicial District, Chief-Justice Barnard writing the opinion, marks a substantial fight against the Ring which had gained con trol of the Long Island Water Supply Company and tried to effect a secret sale of its plant and franchises to the city at an overvaluation of about \$1,000,000 before the public should find As a consequence of the proceedings begun

on December 22, 1890, by William J. Gaynor, attorney for William Ziegler, against Mayor Chapin, restraining him from consummating the sale, commissioners were appointed by the Supreme Court to appraise the property. Ed ward M. Shepard, Hiram W. Hunt and E. W Bilss, as a majority of the commission, made an award of \$575,000. Their report to this etfect was set aside by Justice Pratt as inadequate, and based on an erroneous conception of

the law in the premises. Appeal was had to the General Term, tices Cullen and Dykman sitting with Chief-Justice Barnard. The decision just handed down reverses Justice Pratt's order, refusing a confirmation of the commissioners" report, with costs and disbursements, and grants a motion to confirm, without costs of that motion

The plant of the Long Island Water Supply Company is situated in the former town of New-Lots, commonly known as East New-York, which became the Twenty-sixth Ward of the City of Brooklyn in 1886. The water company was organized in 1881, and a passage in the annexation act, which passage, it has been claimed, was a forgery, inserted in the bill between its final passage and the writing of the Governor's signature, provided for the acquisition of the company's property by the city, and prohibited the extension within the territory of the annexed town, of the city's water system until the expiration of the company's charter, or else until the purchase by the city of the property rights of the water company.

In the summer of 1885 the owners of the property tried to sell out to the city for \$500,000. The drawing of public attention to the project by the press, the publication of the peculiar methods by which the franchise of the company had been gained, and the general belief that the amount asked was excessive, defeated the scheme for the time.

THE POLITICIANS AGAINST THE PEOPLE. claimed, was a forgery, inserted in the bill be-

THE POLITICIANS AGAINST THE PEOPLE.

A determined effort by certain politicians, whose names have been kept secret with remarkable care, resulted in their acquisition of the property and franchise some months later for \$175,000. It was the exposure in cold type of an effort by Alfred C. Chapin, as Mayor; of an effort by Alfred C. Chapin, as Mayor;
Theodore F. Jackson, as Controller, and Thomas
F. Rutan, as Auditor of the City of Brooklyn, to
carry out a secret agreement to pay on December 19, 1890, the sum of \$1,250,000, with allowances for interest on outstanding bonds, which
would have brought the total to something like
\$1,600,000, which brought the storm of popular
indignation upon the public officials mentioned
which is still fresh in the public mind, and made
their holding of elective offices in the future
an impossibility.

From January 1, 1888, until August 16 of that
year Mayor Chapin had an opportunity, which
he neglected, to acquire the plant and rights
of the water company by eminent domain. His
failure to do so gave the company's charter a

THE COMMISSIONERS SUSTAINED.

In an exhaustive opinion reviewing the law and the facts in the case, the Chief Justice and the facts in the case, the Chief Justice overrules Justice Pratt, and holds that the commissioners were right in not basing their approval upon the exclusive right of the waterworks company to furnish water to the territory within the old town of New-Lots. The act of 1873, under which the company was organized, he points out, grants no such exclusive right. Justice Barnard declares that the permission of the town and its contract with the company gave no such exclusive right to the company which, moreover, gained no additional power by the restriction in the Annexation act. This restriction, it is held, was only intended to protect the company from injurious competition until the city should make a just compensation for its property. In the memorable fight between Mr. Ziegler and the city officials, which was carried up to the Court of Appeals, it was ruled, as Chief Justice Barnard points out, that the intention of the Legislature was only to prevent city competition with the company until the city should acquire such title to the property as the company possessed before the annexation act was passed.

From the report of the commission, which is thus confirmed, two members, Edward Rowe and Charles E. Emery, had dissented from the majority, but they failed to name any other figures than those agreed upon by Messrs. Shepard, Hunt and Bliss.

HOW THE COMMISSION WAS FORMED. overrules Justice Pratt, and holds that the com-

HOW THE COMMISSION WAS FORMED.

The history of the formation of that com mission is an interesting one. Mayor Boody submitted to Judge Pratt a list of what he submitted to Judge Pratt a list of what he called "representative men" as candidates for it. Justice Pratt rejected all of them. A majority of the men he did select were finally retired for one reason or another, two of them proving legally ineligible and E. B. Bartlett refusing to serve. It is said that Albert J. McDonald and ex-Judge George G. Reynolds, counsel for the city in the suit, refused to act longer in that capacity unless another judge completed the commission. Edward M. Shepard was finally appointed a commissioner by Justice Cullen.

was finally appointed a commissioner by Justice Cullen.

By an ingenious act of the Legislature, since repeated, but in force when the commission reported, if Justice Pratt should set aside their report the city would have no appeal, while the company had the option to appeal from his decision if he should confirm it. Justice Pratt set it aside, and appointed a new commission, whose existence ceases by virtue of the ruling of the General Term. The company has the right to appeal from the decision of the General Term, but it is not thought that it will do so.

ILLEGAL, WASTEFUL AND FRAUDULENT. THE GENERAL TERM SUSTAINS JUSTICE CULLEN AND DENOUNCES THE GIVING AWAY OF

THE UNION-ST. RAILWAY FRANCHISE. Justice Dykman, in General Term, handed down a decision yesterday morning which gives another blow at the corruptionists in the Common Council of Brooklyn, by declaring the Union-st. railroad

of Brooklyn, by declaring the Union-st. railroad franchise to be illegal. The Union Street Railway Company offered to pay \$30,000 for the authority to build a line in Union-st., but it was given to a rival company that did not offer a cent for the franchise. John Adamson, who is a property owner, began a suit against the company to prevent if from building its road. Justice Culen adjudged the granting of the franchise to be illegal, and the General Term has sustained his decision. The opinion is in part as follows:

Plainly it was a case of malfeasance, and judged by the motives which actuate men, the frence is easily drawn that the action was colusive. If the object was not to favor the defendant corporation the act is inexplicable. That favor was a pecuniary injury to the municipality, and the act was a fraud upon the city. Official misconduct and had faith are so near the domain of fraud that the line of partition is indistinguishable. In fact, to the eye of an ordinary observer, the fraud here is palpable. One company offered \$50,000 for the franchise, and the ofter was refused, and the other offered nothing and received the consent. We concur fully with the trial judge that the prevention of the realization of money fused, and the other offered nothing and receive consent. We concur fully with the trial just that the prevention of the realization of mby the city is equivalent to waste of the mount of the municipality. In conclusion, we may action of the officials was illegal, wasteful fraudulent, and the judgment should be added.